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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,942	10/18/2001	Christopher Reynolds Hammond	RD 28557	8217
6111	7590	11/18/2004	EXAMINER	
GENERAL ELECTRIC COMPANY ANDREW C HESS GE AIRCRAFT ENGINES ONE NEUMANN WAY M/D H17 CINCINNATI, OH 452156301			NGUYEN, CAM LINH T	
			ART UNIT	PAPER NUMBER
			2161	
DATE MAILED: 11/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,942

Applicant(s)

HAMMOND ET AL.

Examiner

CamLinh Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendments to claims 1 – 20 are acknowledged. Consequently, rejection to claims 1 – 20 under 112, 2nd paragraph is withdrawn.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1 - 20 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 17 of copending Application No. 09/943,785 in view of Yansheng Jiang (U.S. 6,564,375).

This is a provisional obviousness-type double patenting rejection.

The subject matter claimed in the instant application is partly disclosed in the referenced copending application and would be covered by any patent granted on that copending application and in view of Jiang reference since the referenced copending application and the instant application are claiming common subject matter, as follows:

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- In the instant application, applicant claims an application configured with a database. In the copending application, Applicant claims a server configured with a database. It is well known that an application can be a server. It would have been obvious to one with ordinary skill in the art at the time the invention was made to substitute the application with the server because the result of the invention will be the same.
- In the instant application, applicant claims, “at least one wire or wireless”, while in the copending application, Applicant claims a computer. It is obvious to one with ordinary skill to understand that the wire or wireless can be a computer.

As the amendment filed 06/29/2004, in the instant application, applicant claims: a user can develop, approve, revise, search for and use the web-based information. Daniel does not clearly disclose that the user can develop, approve, revise, search for and use the web-based information. However, it is inherited and well known in the art that the wizard must be developed, approve, and revise before it is used. An example is provided by Jiang. Jiang discloses a method for altering a wizard-based application that allows a software developer to easily create and modify a wizard (See the abstract, Jiang). In particular,

- “Developing” corresponds to “creating” the wizard (col. 5, lines 15, Jiang).

“Approving, revising” corresponds to “altering” the wizard. When the programmer changes the wizard, he/she must revising/approving it. (See Fig. 10 – 12, col. 8, lines 57 – col. 10, lines 37, Jiang). It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Jiang into the invention of Daniel because the combination would provide full file circle of a web based (develop, approve, revise, and usage), and as specified above, the wizard must be created first in order to use it in real time.

The following table shows example some of the claims in '942 that are rejected by corresponding claims in '785

Claims Comparison Table:

	'942	'785
Claims	1	1
	2	2
	3	3

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel et al (U.S. 2002/0022984) in view of Yansheng Jiang (U.S. 6,564,375) further in view of Lisa Desjardins (U.S. 2002/0059512).

♦ As per claim 16, 4, 11- 14,

Daniel et al (U.S. 2002/0022984) discloses a method for accessing and uploading web based information for internal and external users using a system which includes a server (Fig. 1, element 28) and at least one client system (Fig. 1, element 22, 26), comprising:

- “Uploading user information and user selections to the server” corresponds to the information that the technician enters to the portable computer to request data for solving the problem (See Fig. 7, element 106, 108, Fig. 5, page 5, paragraph 0042).
- “Downloading from the server, web pages configured to direct internal and external users to a database and related applications within the server” See page 3, paragraph 0032.
- “The database configured with categorized wizards or knowledge-based tools and related document, responsive to the user information” See paragraph 0065, 0069.
- “Using an input means to filter information between the user and the server” See Fig. 1, element 14, paragraph 0028.

Daniel does not clearly disclose that the user can develop, approve, revise, search for and use the web-based information. However, it is inherited and well known in the art that the wizard must be developed, approve, and revise before it is used. An example is provided by Jiang. Jiang discloses a method for altering a wizard-based application that allows a software developer to easily create and modify a wizard (See the abstract, Jiang). In particular,

- “Developing” corresponds to “creating” the wizard (col. 5, lines 15, Jiang).
- “Approving, revising” corresponds to “altering” the wizard. When the programmer changes the wizard, he/she must revising/approving it. (See Fig. 10 – 12, col. 8, lines 57 – col. 10, lines 37, Jiang)

In addition, Desjardins, discloses a method for creating a project, approve or revise the project (See Fig. 1A – 1C, paragraph 0057).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Desjardins and Jiang into the invention of Daniel because the combination would provide full file circle of a web based (develop, approve, revise, and usage), and as specified above, the wizard must be created first in order to use it in real time.

◆ As per claim 17, the combination of Daniel and Jiang and Desjardins disclose:

- “The web based information comprises categorized wizards or knowledge based tools relevant to specific business issues” See paragraph 0028. Daniel teaches that invention is applicable to any system (paragraph 0028), not only for locomotives system. Therefore, the wizards must be categorized to each specific business issue.

◆ As per claim 18, the combination of Daniel and Jiang and Desjardins disclose:

- “Configuring the server to store and download wizards or tools and associated documentation, including text and digital images” See paragraph 0032, 0073.

◆ As per claim 19, the combination of Daniel and Jiang and Desjardins disclose:

- “Downloading from the server, web pages configured to direct internal and external users to actual wizards or tools and results of wizards or tools relevant to a specific problem input by said user” See paragraph 0040, 0049, 0036.

◆ As per claim 20, the combination of Daniel and Jiang and Desjardins disclose:

- “Maintaining the web based information” See paragraph 0050, 0059.

◆ As per claim 1, 9, the combination of Daniel and Jiang and Desjardins disclose:

With all limitations as claimed in claim 16, further claim 1 includes:

- “An application configured with a database of web related information data” corresponds to the terminal 14 for users to input or request data from data center 18.

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- “At least one wire or wireless access” See paragraph 0042.
- ◆ As per claim 2, 10, the combination of Daniel and Jiang and Desjardins disclose:
 - “The web related information data comprises categories knowledge-based tools or wizards relevant to specific business issues and related document” See Fig. 10A, element 202 – 204, paragraph 0073 of Daniel and col. 4, lines 1 – 11, col. 7, lines 26 – 29 or Jiang.
- ◆ As per claim 3, the combination of Daniel and Jiang and Desjardins disclose:
 - “The input means comprises a wizard central” See Fig. 1, element 18.
- ◆ As per claim 7 - 8, the combination of Daniel and Jiang and Desjardins disclose:
 - “The server is comprised of hardware and software” See Fig. 1, paragraph 0028, 0031.
 - “Server is configured to stored and download text and digital images” See paragraph 0032, 0073.
- ◆ As per claim 5 - 6, 15, the combination of Daniel and Jiang and Desjardins disclose:
 - “A centralized solution repository for storing results of said web based wizards or tools for later retrieval and analysis” See Fig. 1, element 30, Fig. 9. Daniel teaches that collection of historical data for the fleet of mobile assets would allow data center 18 to execute diagnostic and repair analysis to statistically and probabilistically adjust any existing troubleshooting operations and/or corrective actions so as to improve the rate of detection and correction of defects at the respective work sites (paragraph 0035, Daniel).

Response to Arguments

6. Applicant's arguments filed 06/29/04 have been fully considered but they are not persuasive.

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Applicant argues that the Daniel reference does not teach categorization of wizards or knowledge-based tools. The Examiner respectfully disagrees for some reasons:

- First at all, the limitations of categorization of wizards or knowledge-based tools do not claim in independent claim 1, 9, and 16 as Applicant argues.
- Secondly, Jiang clearly teaches that the wizard pages are categorized (col. 4, lines 1 – 11, col. 7, lines 26 - 29). Therefore, Applicant's arguments are not persuasive as indicated above.

7. Applicant's arguments with respect to claims 1 - 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272-4024.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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LN


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